

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Application by SBC Communications, Inc.,)
Southwestern Bell Telephone Company, and)
Southwestern Bell Communications Services,)
Inc. d/b/a Southwestern Bell Long Distance)
for Provision of In-Region, InterLATA)
Services in Texas)

CC Docket No. 00-4

COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY
SUPPORTING SBC'S REQUEST FOR AUTHORITY TO PROVIDE LONG
DISTANCE SERVICE IN TEXAS

Since enactment of Section 706 of the Telecommunications Act of 1996¹, the Alliance for Public Technology (APT)² has advocated that the Commission fulfill its obligation under the provision by considering in every relevant proceeding ways to encourage the reasonable and timely deployment of advanced telecommunications capability to all Americans.³ Section 706 empowers both state telecommunications commissions and the Federal Communications Commission to use, among others, "measures that promote competition in the local telecommunications market or other

¹ 47 USC 157 note.

² APT is a tax exempt organization, which was founded in 1988 and now represents almost 300 nonprofit and individual members who work:

to make available as far as possible, to all people of the United States, regardless of race, color, national origin, income, residence in rural or urban area, or disability high capacity two-way communications networks capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video and other types of telecommunications services.

³ See, e.g., Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement Section 706 of the 1996 Telecommunications Act, CC Docket No. 9244 (Feb. 18, 1998) (APT Petition) at 12-13.

regulating methods to remove barriers to infrastructure investment.”⁴ After an extensive collaboration among applicant, the Texas Public Utility Commission (Texas PUC), competitive local exchange carriers (CLECs) and the U.S. Department of Justice, and exhaustive third-party testing of SBC operations support systems (OSS) demonstrating their ability to process actual “blind” orders from CLECs, the Texas PUC unanimously concluded that the state’s local telephone market is competitive.⁵ SBC Communications, Inc. now seeks authority under Section 271(c)(1)(A) of the Telecommunications Act⁶ to provide long distance telephone service in Texas by demonstrating the presence of facilities-based competitors there. Accordingly, APT respectfully urges the Commission to grant the application based on the comprehensive record before it. As we recently stated in supporting Bell Atlantic’s Section 271 application for New York, “[s]uch action would advance the goals of Section 706, and reaffirm the Commission’s commitment to eliminating regulatory barriers to investment in high-capacity networks.”⁷

In APT’s view, Section 271’s interLATA prohibitions constrain the widespread deployment of advanced telecommunications infrastructure and therefore undermine Section 706, which seeks to promote investment in ubiquitous high-speed networks. For

⁴ 47 USC 157 note.

⁵ See, Brief in Support of Application by Southwestern Bell for Provision of In-Region, InterLATA Services in Texas, In the Matter of Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services Inc. d/b/a/ Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Texas, CC Docket No. 00-4 (Jan. 10, 2000) (SBC Brief) at 3-6.

⁶ 47 USC 271.

⁷ Comments of the Alliance for Public Technology Supporting Bell Atlantic’s Request for Authority to Provide Long Distance Service in New York, In the Matter of Application by New York Telephone Company (d/b/a Bell Atlantic-New York) Bell Atlantic Communications, Inc., NYNEX Long Distance Company and Bell Atlantic Global Networks, Inc., for Authorization to Provide In-Region, InterLATA Services in New York, CC Docket No. 99-295 (Oct. 19, 1999) (APT NY Comments) at 2.

that reason, APT maintains the belief, which the Commission and Congress seem to support, that expeditious approval under Section 271 serves the public interest. The Alliance further contends that such prompt action eliminates a significant barrier to investment in high-speed telecommunications networks that should reach all communities.⁸ The Commission has the opportunity to bolster Section 706's impact by authorizing SBC to provide long distance telephone service in Texas. APT strongly urges the Commission to seize this opportunity to increase facilities-based competition for local and long distance service, and promote ubiquitous broadband network deployment so that all Texans, regardless of their income level, rural residence, or physical disabilities, may improve the quality of their lives through access to new sophisticated telecommunications.

SBC has already promised to refrain from imposing minimum monthly charges that low volume users and low-income customers find problematic.⁹ This competitive distinction will yield immediate benefits for residents and businesses in Texas. APT has every reason to believe that Texas consumers, particularly low volume users, will reap the same swift gains from lower prices and bundled services that New Yorkers are experiencing with Bell Atlantic's recent entry into that long distance market.¹⁰

⁸ See, e.g., Id.; and Comments of the Alliance for Public Technology, In the Matter of Petition of Bell Atlantic for Relief from Barriers to Deployment of Advanced Telecommunications Services, CC Docket No. 98-11, Petition of US WEST for Relief from Barriers to Deployment of Advanced Telecommunications Services, CC Docket No. 98-26; and Petition of Ameritech for Relief from Barriers to Investment in Advanced Telecommunications Capability, CC Docket No. 98-32 (April 6, 1998) at 2.

⁹ SBC Brief at 53.

¹⁰ AT&T recently began offering a 5 cents per minute rate with an \$8.95 monthly charge to compete with similar offerings from MCI WorldCom and Sprint. MCI WorldCom has also announced its plans to offer bundled local and long distance service in New York. See, *Communications Daily*, Jan. 14, 2000 at 7. See also, "Low-Volume Users May Be Biggest Winners From Bell Atlantic's Long Distance Market Entry," *Telecommunications Reports*, Jan. 10, 2000 at 3 ("Timeless" plan offering 10 cents per minute at

Moreover, the potential loss of Sprint as a rival firm if its proposed merger with MCI WorldCom proceeds, increases the need to ensure meaningful competition in the Texas interexchange market by approving the subject application.

As SBC deploys its broadband networks, APT implores the Commission to do all that it can to remove the interLATA barriers that inhibit the widest possible extension of these networks to help all Texans enjoy the benefits of advanced telecommunications capability. Therefore, APT respectfully recommends that the Commission authorize SBC to provide long distance service in Texas.

Respectfully requested,


Maureen A. Lewis
General Counsel

January 21, 2000

all times, with no monthly fees or minimums, and "Complete Offer" plan including local service, 10 cents per minute long distance rate and 8 additional custom calling features for \$19.99 per month).

I, Ayesha Nichols, an employee for the Alliance for Public Technology, hereby certify that on the January 21, 2000 copies of the foregoing "Comments of the Alliance for Public Technology Supporting SBC Request for Authority to Provide Long Distance Service in Texas" were hand delivered to:

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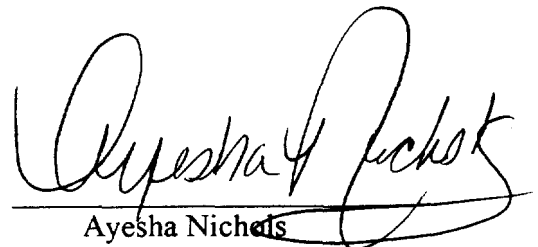
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